

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

WHEELING HOSPITAL, INC.,

Plaintiff,

vs.

LOUIS LONGO,

Defendant.

**Civil Action No. 5:19-CV-32
Hon. Frederick P. Stamp Jr.**

MOTION TO DISMISS PLAINTIFF'S COMPLAINT

Defendant, Louis Longo, through his undersigned counsel, hereby moves to dismiss Plaintiff's Complaint pursuant to Rules 8(b), 12(b)(6) and 13 of the Federal Rules of Civil Procedure. Defendant Longo is filing an accompanying Memorandum in Support of this Motion, which is incorporated herein as if fully set forth.

WHEREFORE, Defendant Longo respectfully requests that this Court grant his Motion, dismiss with prejudice each claim asserted against him in the Complaint, and award any such further relief as the Court may deem appropriate.

Respectfully submitted,

/s/ Sharon L. Potter
Sharon L. Potter (WV Bar # 2952)
SPILMAN THOMAS & BATTLE, PLLC
P.O. Box 831
1233 Main Street, Suite 4000
Wheeling, WV 26003
Telephone: 304-230-6950
Email: spotter@spilmanlaw.com

and

Michael S. Garrison (WV Bar #7161)
SPILMAN THOMAS & BATTLE, PLLC
P.O. Box 615
Morgantown, WV 26507
Telephone: 304-291-7920
Email: mgarrison@spilmanlaw.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I, Sharon L. Potter, hereby certify that on the 3rd day of May, 2019, the foregoing Motion to Dismiss Plaintiff's Complaint was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Marc B. Chernenko, Esquire
William E. Watson & Associates
800 Main Street
P.O. Box 111
Wellsburg, WV 26070
E: wewalaw@aol.com
(*Counsel for Plaintiff*)

Roscoe C. Howard, Jr., Esquire
William Martin, Esquire
C. David Paragas, Esquire
Meena T. Sinfelt, Esquire
Barnes & Thornburg, LLP
1717 Pennsylvania Ave, N.W.
Suite 500
Washington, DC 20006
E: Roscoe.Howard@btlaw.com
William.Martin@btlaw.com
David.Paragas@btlaw.com
Meena.Sinfelt@btlaw.com
(*Counsel for Plaintiff*)

/s/ Sharon L. Potter
Sharon L. Potter (WV Bar # 2952)